UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.157/PC/42/Add.10
29 April 1993

Original: ENGLISH

WORLD CONFERENCE ON HUMAN RIGHTS
Preparatory Committee
Fourth session
Geneva, 19-30 April 1993
Agenda item 6

# REPORT ON OTHER MEETINGS AND ACTIVITIES

## Report of the Secretary-General

## Addendum

## Contribution submitted by the Assembly of First Nations/National Indian Brotherhood

The attention of the Preparatory Committee is drawn to the attached conclusions and recommendations from the North American region Indigenous Nations Satellite meeting, held in Ottawa, 1-2 April 1993.

GE.93-13252

ANNEX "A"

**RECOMMENDATIONS AND CONCLUSIONS FROM THE**

**NORTH AMERICAN REGION INDIGENOUS NATIONS UNITED NATIONS SATELLITE MEETING**

April 1 - 2, 1993, Ottawa, Canada

1. Indigenous peoples are peoples in the international legal sense of enjoying a right of self-determination as guaranteed in numerous international instruments, including the United Nations Charter, the United Nations Declaration on Human Rights, and the United Nations International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. Indigenous peoples are "peoples" in the international sense of having distinct identities, territories, governments, languages, and cultures. The right of self-determination of indigenous peoples should be recognized by all states without discrimination on any basis.

3. Indigenous treaties should be recognized internationally and respected by states according to their spirit and intent. The nation-to-nation character of indigenous treaties should be respect by all nation-states and treaties should be implemented in keeping with this relationship. Breaches of the obligations in the treaties should be treated as serious violations of international law and as a form of discrimination against indigenous peoples. In interpreting the treaties, special attention should be given to the understanding of treaties as articulated by indigenous peoples in their own languages.

4. There should be permanent institutions at the United Nations to address human rights issues which indigenous peoples face globally. Several ideas were suggested by participants including the creation of an institution like that of WHO or UNESCO with a mandate to ensure the development of indigenous nations and the protection of the human rights of indigenous peoples. It was also suggested that the United Nations establish an indigenous peace-keeping team to intervene in conflicts between nation-states and indigenous nations. The need for institutional reform was identified as urgent and timely particularly as 1993 is the International Year of Indigenous Peoples.

5. Indigenous peoples should have easier access to existing United Nations human rights bodies and institutions. The ECOSOC regulations on access to these bodies should be reconsidered in light of the needs and political structures of indigenous nations. In this regard, more flexibility should be introduced to enable

indigenous representatives the broadest access to all United Nations institutions and forums including the upcoming World Conference on Human Rights. In addition, indigenous peoples' issues should be permanent items on the agendas of human rights bodies within the United Nations, including the United Nations Commission on Human Rights, and within regional systems for the protection and promotion of human rights.

6. International human rights protections for indigenous nations should emphasize the protection of collective rights and the rights of peoples. While individual rights were also acknowledged as significant, collective rights were identified as crucial for indigenous survival and development as distinct peoples and nations.

7. International nation-states recognition of indigenous rights to territories, including ownership, stewardship, and indigenous uses of the land for hunting, trapping, fishing and gathering should be granted immediately with urgent steps adopted to respect and implement these rights into domestic law. Indigenous territorial rights include rights to seas, waters, sub-surface resources and the air.

8. Priority should be given to indigenous knowledge regarding the environment and sustainable practices for environmental protection and sustainable economic development. The protection of the environment should be identified as a critical objective of nation-states and this objective should be approached in a manner which is consistent with the recognition of indigenous nations as the primary stewards of their territories.

9. Indigenous peoples must be free from human rights violations caused by military activities on their territories. No such activities should be engaged in by nation-states or military organizations without the explicit prior informed consent of the indigenous nations affected.

10. State policies based on the extinguishment of indigenous peoples' rights, including treaty rights or other rights, are violations of international human rights law and must be explicitly prohibited. Moreover, any reference to such extinguishment explicitly or implicitly in agreements and policies must be considered null and void and unenforceable in domestic or international law because such references are violations of international human rights norms.

11. International border restrictions which limit indigenous peoples' access to their relatives, territories, or spiritual sites should be immediately eliminated.

12. The agenda of the World Conference on Human Rights should include a specific agenda item(s) on indigenous peoples' human rights situation. The Working Group on Indigenous Populations should continue working on a draft declaration on the rights of

indigenous nations. It should also continue to function as a standard-setting body, and exercise its mandate to annually review developments in specific nation-states and regions.

13. The freedom of religion of indigenous nations should be protected in North America and under international human rights law through the development of specific standards to protect the situation of indigenous peoples. Indigenous freedom of religion must include continued use and access to sacred sites and ceremonial and religious objects or plants, without interference by the state or non-indigenous citizens of the state.

14. An international forum for the settlement of disputes between States and indigenous peoples should be established in order to promote peaceful settlement of conflicts. Such an international forum could include all techniques of dispute resolution including mediation, negotiation and adjudication. Indigenous values should inform the process and norms for the settlement of disputes.